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International Court of Justice

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Gallagher
30 May 1946
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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 March 1946.

THURSDAY, 30 May 1946.

COMMISSIONERS:

Captain Joseph Tubridy.
Mr. McIlwraith.

THE S. A.

(The Commission convened at 1000 hours)

MAX JUETTNER, a witness, resumed the witness stand and testified as follows on cross examination:

-- -- --

CAPTAIN TUBDIDY: Will you remind the witness he is still under oath.

THE WITNESS: Yes.

BY COLONEL GRIFFITH JONES:

Q Now I want to ask you a few more questions about the military or defensive training, and I refer to the Organization Book for 1938, PS 2354, US 43, and in that Book are set out the performance of tests for the SA Sports Insignia. Group I are body exercises including races, jumping, and general athletics, but it also includes the throwing of hand grenades. Do you consider the throwing of hand grenades an exercise of non-military character whatsoever?

A Not hand grenades, but clubs were thrown.

Q You say clubs were thrown. Your Organization Book says "hand grenades." How do you account for that?

A Is this the Organization Book of the Party?

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Q Yes, it is.

A The Organization book of the Party was not authoritative. This Organization Book is mainly a draft representing only a visionary dream that never came into effect.

Q It was not a visionary dream of the Party in the SA that they should practice throwing hand grenades?

A No, sofar as the SA was concerned the qualifications for the SA special badge was authoritative. Here it is required,and here it says, throwing of clubs.

Q But here your criticism of the Organization Book was that it was a dream which never came true. I say, was it one of the dreams and aims or ambitions of the SA and the Party that the SA should train throwing hand grenades?

A By visionary dream I mean the entire contents of the Organization Book. We ourselves did not wish to throw hand grenades.

Q Then why,you tell me again, why in the Organization Book, if it was not your ambition, why did they state it was in a test to earn the sport insignia, why did they include throwing of hand grenades?

A Included for the requirement of the sport badge was club throwing, and this besides being bodily training,also was a training for the man in the defense of his country.

Q You do not understand me. I am not asking about club throwing. I am asking why the Organization Book said "Hand grenade throwing." You tell me it was because it was a visionary dream,and I am asking you, was it a visionary dream of the SA to practice the throwing of hand grenades. If you do not want to answer me, why, just say so?

A I want to answer your question, and I want to admit and say courag-

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eously whatever has been done by the SA without respect or regard for my own person. The SA never wished to practice throwing hand grenades, and only the throwing of clubs as bodily training, and, the SA had no part in the drawing up of this Organization Book Plan, but a man called Karl Hederich, who was also present and had a hand in it.

Q Well, I won't pursue the matter of who was the author of the book. I'll ask about Group II of the performance tests. Group II according to the English translation is headed "Military Sport." I can not tell you, and it may be that Dr. Aschenauer can tell me, if he has a German copy there; and, whether it is military or defensive sports.

DR. ASCHENAUER: I have the German of what may be the German copy entitled Wehrsport.

COLONEL GRIFFITH JONES: Allright, we will refer to them as defensive sport, and not military sports.

BY COLONEL GRIFFITH JONES:

Q Now just let's consider what they consist of. "Twenty-five kilometers march with pack, firing of small calibre arms." Do you think the firing of small calibre arms is a sport of any known non-military sport characteristics?

A Yes, all sharp shooters clubs carry small calibre shooting arms, which is a practice carried out by all such clubs for bodily training, and athletic training.

Q Very well. The next is the aim throwing of hand grenades. Did you practice throwing your clubs aiming at something.

A Yes.

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[redacted]

BY COLONEL GRIFFITH JONES:

Q Here is "Two-hundred meter cross country race with gas mask." Was that to help your sharp shooter clubs?

A No, not the sharp shooter clubs, but for such practice, for example, of carrying out our practice of blowing up and dynamiting explosive factory at the Elbe.

Q Are you seriously telling this commission the reason the SA practiced with gas masks was to enable them to blow up munition factories?

THE INTERPRETER: One minute please. I want him to repeat his last answer.

COLONEL GRIFFITH JONES: Very well.

THE WITNESS: When that dynamite factory was blown up near the Elbe, our men could only operate wearing gas masks.

BY COLONEL GRIFFITH JONES:

Q Are you seriously telling this Commission the whole of the SA practice throughout the year they wore gas masks in order to be able to blow out munition factories?

THE INTERPRETER: They did not blow up the factory. It was blown up in order to help.

BY COLONEL GRIFFITH JONES:

Q All right. In order to help blow up dynamite factories?

A The SA wanted to be voluntary helpers for their country. This is in reference to catastrophies, to forest fires, explosions, and so on. Of course, they also want to be able to help in case of national defense when necessary.

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Q Am I right in saying that the SA was practicing with gas masks in order to train as soldiers, defensive or otherwise. Is that the reason they were practicing with gas masks?

A No, only that few units had gas masks at all, and one or two such gas masks were always at hand for such exercise.

Q Yes, but I am asking why gas masks should be included in the performance tests in order to wear the SA Sport insignia ?

A This was a test so that the efficiency of a man when he was needed could be evaluated.

Q Then we have exercises in "Estimating distances." Why did you require the teaching of SA men judging of distances?

A Estimating of distances was something the SA men had to make use of frequently in his work.

Q Did he have to make use of it in helping him to blow out dynamite factories, or putting out forest fires?

A No, but in cases of floods, for example, when emergency bridges had to be built.

Q Very well, I will accept that. What about "Camouflage." Why was it necessary for SA to practice camouflaging?

A This training practice had been taken over by the chief of the training organization, and it was kept up for purposes of national defense.

Q Was that one of the test which Colonel Arnst, the professional surgeon, produced for the SA?

A That may be possible.

Q Well, I won't pursue that matter. I shall ask once again, are you saying in the face of that statement, and in the face of the other document I asked about yesterday, are you still saying that the SA had no military characteristics, and that they always preserved the non-military character

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for their training?

A The SA had no military characteristics, and saw to it very painstakingly that it did not become a Wehrverband, a defensive organization, as other organizations had become.

Q In order to become a defensive organization, its members had to be trained as soldiers, did they not?

A Yes. I refer to the German Reichskriegflagge, the Reichskorps, which existed in Germany.

Q It was part of the SA training to read Mein Kampf, was it not; to read regularly Hitler's Mein Kampf?

A The book "Mein Kampf" was ~~issued~~ used in the SA schools along with others as a text book.

Q Yes, that is what I mean. I'll just refer you to a passage on the first page, and ask you a question on it. "When the territory of the Reich embraces all the Germans, and find it is unable to assure them of a livelihood, only then can the moral right arise of the need of the people to acquire foreign territory. The plow is then the sword, and the tears of war will reduce the daily bread for generations to come." Did you personally never associate such passages in Mein Kampf with the defensive training that you were carrying out during your years?

A No, on the contrary for the peace, except that Hitler proclaimed for a number of years an attempt he always made which gave me quite an opposite training.

Q Very well. I want to turn to another matter. Did I hear you correctly when I thought you said that the policy of the SA was not anti-Semitic, except that you were opposed to the immigration of Jews from the East into Germany?

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A That is not quite correct. There was a strong counter reaction to the immigration of Jews from Galicia. This was shared by the SA. The old families - the old Jewish families who had lived in Germany for a long time also shared this opinion.

Q By actual fact, is it not the case that the SA were continuously persecuting the Jews in Germany from 1923 onwards?

A No, the SA as an organization did not do so.

Q Wasn't it the SA policy to incite their members to the persecution of the Jews?

A No.

Q Let me quote to you a few of the article's titles which appear in the "SA Man." This was in 1935. I quote from document PS-3050, US 414, page 16 of the English translation. There was an article in the July '35 issue entitled "Finish up with the Jew," In February 1935, "The Jewish World Danger," in June of that year "Jews are not wanted here." Those titles do not sound as though they are very friendly towards the Jews, do they? Do they sound as though they are friendly articles towards the Jews?

A I again have to repeat, the "SA Man" was a paper which appeared independent of the Storm SA Man, and that the contents of the paper of the "SA Man" was not similar as to the ideas and ideals of the SA.

Q I will come back to that, but why did you take steps to close down the "SA Man"?

A The publishing house to which the "SA Man" belonged was purely a business man's organization. We tried continuously to get the "SA Man" paper into our own hands, but we did not succeed. But we did see to it that the "SA Man" was not made the basis of SA education in the SA.

Q Very well. Let me quote to you one further passage from the "SA Man"

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and its story; I want you to tell me whether it is true, this description of what took place on 9 November 1923:"In the morning we found out what had happened in Munich. Now a revolution will also be made in Nurnberg,we suggest." Then I omit a number of lines: "By the time we arrived, however, police had again surrounded everything. Some shooting there. The Jewish places will be stormed. Out with the Jews. Then the police started beating us up. Then we divided into small groups and rode through the town, and wherever we got a Red or a Jew, a fist fight ensued."

CAPTAIN TUBRIDY: Finish the question Colonel.

BY COLONEL GRIFFITH JONES:

Q Was that the general behavior of the SA in 1923?

COLONEL GRIFFITH JONES: Yes.

CAPTAIN TUBRIDY: Dr. Aschenauer. Do you want to ask something?

DR. ASCHENAUER: We are not in possession of these articles,and we have had no chance to examine the articles, and therefore, the witness can not give any testimony until that is done. I beg, therefore, that the articles be submitted to us,and we will read them, and then an answer can be made on the context.

CAPTAIN TUBRIDY: Mr Aschenauer,the prosecution can read ~~almost any type of~~ a document to the witness to find out what the witness believes about the document, if it is in connection with the prior testimony. Even though the document is not in evidence, it still can be used and it need not be presented to you beforehand.

DR. ASCHENAUER: But in my opinion we have to see the original document,as quotations taken out of a context always leads to misunderstanding.

CAPTAIN TUBRIDY: This is cross examination, Dr.Aschenauer. Will you proceed.Colonel?

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DR. ASCHENAUER: Yes, of course, I understand that, but for the question to be asked the witness must first see the document.

CAPTAIN TUBRIDY: Dr Aschenauer, we will proceed now. I understand your point but Colonel Griffith Jones may proceed. Your objection Dr Aschenauer is overruled.

BY COLONEL GRIFFITH JONES:

Q I will quote from the same document, PS 3050, US 414, page 14, of the English translation. I understand Mr Marreco who has handled it has arranged for German copies to be available to Defense Counsel. They should be coming up, ~~in a minute or so.~~

Now, will you tell me, was that behavior described in the articles typical of the behavior of the SA in 1923?

A The article about the events in Nurnberg on 9 November 1923, was not written until 1937. In 1923 there were hardly any SA men at all in Nurnberg. The action was carried out by members of the organization called "Reichskriegflagge", or Reichs War Banner.

Q How is it you never had seen this article before, but that you happened to know it was written in 1937?

A I read that in the indictment, in the records or minutes of the meeting - hearing.

Q So that at least you are not taken by surprise by reading of this extract?

A No.

Q Was that kind of behavior typical in 1937 when the article was written?

A No, in my opinion, and as we say in German, the author bragged when he wrote that.

Q Can you give me any explanation as to why that article should have

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appeared in 1937 in this "SA Man"?

A Yes, I can. Not particularly as to why this particular article was written, but as to why such incidents were represented and depicted. The editorial staff of the "SA Man" had placed at their disposal the publication of such incidents and events from the year of 1923 on.

Q Why should that be necessary of such offense had not taken place?

A It was not necessary. The editor in chief merely wanted to get material in order to raise the appeal of his paper.

Q But you tell us he was asking the SA men to write stories of that kind which had occurred. I understood that you were representing that no such incidents had occurred by the SA. Why then should the editor have written around and asked people for those stories, if they never occurred?

A It probably came about this way. The editor made an appeal in his paper to people, to SA men to give him accounts of personal experiences in the past. During the time of stress, and during the battle time the SA had to overcome many attacks. Wherever these events lead to particularly hard struggles, and where the memories of such events appeared vividly, those people who were concerned and participated, probably submitted descriptions of those events. From a human point of view one could understand that bragging and exaggeration played a big part in here, and many SA men created hero deeds to himself, although he was not really the man who carried it out.

Q I'll ask you again, did the SA, or did they not, take part in a great many incidents of that kind during 1923 and onwards?

A The SA as such, and the SA command did not take part, but I don't deny that individual SA men may have taken part.

Q And during 1935, 1936, 1937, 1938 and 1939, the articles of propaganda against the Jews were appearing almost weekly in the "SA Man"; that is so,

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isn't it?

A I can not say definitely. I have to admit quite frankly that I myself did not read this paper any longer, because I no longer liked it.

Q But you say that when this paper was being published from the official sources, and misrepresenting entirely the policy of your SA, you as Deputy Chief of Staff were not concerned about it?

A Yes, that is what I want to say. I could not do anything if I wanted to. I was not authorized to do that. For this purpose there was a Reich Press Office of the Reich which took care of such matters.

Q Just one last question about the "SA Man." You tell us that it was eventually closed up?

A It was forbidden.

Q In 1940?

A In 1939, if I remember.

Q For what reason was it forbidden then?

A It was forbidden personally by Adolf Hitler.

Q But why?

A We never were informed in writing, but we were told that the articles that were expressed in the "SA Man" were partly considered immoral, indecent, and improper.

Q So Hitler closed it down then after it had been published for some five years?

A Yes.

Q For publishing indecent and immoral articles, you say?

A Yes.

Q And you were never able to do the same thing before when you were trying to close it down, is that not so?

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A We always tried to get the "SA Man" into our own hands to have it dependent on us.

Q Very well, I want you to tell about one further document, and I will finish. Will you look at this document, PS 1721, US 425. I ask you first of all to look at the second page. Now you have told us, and I want it quite clear before you read it, that you have told us of the official policy of the SA command which was opposed to all violations against the Jews?

A Yes.

Q Do you include within the meaning of the word, "violations" the blowing up and setting on fire of synagogues?

A Yes, absolutely.

Q Well, can you tell me why on 11 November 1938, the Headquarters of the 50th Brigade was sending out this order, I quote: "Following order reached me at 3:00 o'clock on 10 November 1938--" Tell me before we go any further, according to the chain of command, from whom would the 50th Brigade have received orders. You need not look at that, it won't help you. I am asking you from your own knowledge as chief of staff, from whom would the Brigade Headquarters have received orders?

A It might have received this order from the Gruppenfuehrer, and this I don't consider plausible, and, secondly, the political leadership could have called upon the Brigade, but the Brigade should have had to reject such a request.

Q This is something new. Could the political leadership call upon the brigades of the SA at any time without consulting any higher SA Headquarters?

A I explained yesterday in detail upon what reasons the political fuehrer - leadership could call upon organizations or formations of the

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Party. I shall be glad to repeat.

Q I don't want you to repeat. In fact, if this order had been issued by the Leadership Corps, or Party Leadership, it would seem strange that this letter, or that the report which was sent, is addressed to the "SA Group Electro Palotinate." Better look at the letter. The SA group is presumably a higher formation than the Brigade, is it not?

A Yes.

Q Well, now, from whom would the group receive orders?

A Either from the chief of staff, or from the Storm SA command, or it could have been called upon by its Gauleiter.

Q One thing is quite certain, they would not have invented orders of this kind in their own corps?

A No. In explanation of the matter is as follows: If the events really were as stated in the document, the Gruppenfuehrer was at that time present in Munich for a celebration. The office of this group was called upon by some authorities to make use of the SA. According to the orders the chief of staff on the authoritative orders or directives authorized would have had to object to any such request.

Q Go on if you want to, but not too long.

A If what is said in the documents is proven, the SA office concerned carried out a political action, and as such is liable to prosecution, but not the organization as such.

Q For the purpose of the record, perhaps, I might read the following two lines: "On the order of the Gruppenfuehrer." It does not sound like the Party leadership, does it who would be the gruppenfuehrer.

A In my opinion it is impossible that the gruppenfeuhrer gave any such order.

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Q What is that?

A In my opinion it is impossible that the Obergruppenfuehrer gave any such order.

Q The Obergruppenfuehrer or Gruppenfuehrer?

A Yes, Gruppenfuehrer.

Q That may be so, but who was the Gruppenfuehrer?

A Sofar as I know, Fust, Gruppenfuehrer Fust.

Q Is that to whom this referred, "On the order of the Gruppenfuehrer all Jewish synagogues within the 50th Brigade are to be blown up, or set on fire immediately."

A The interpretation of that might also be by order of the Gruppenfuehrer office.

Q And who was in charge of the Gruppenfuehrer's office?

A Several collaborators of the workers of the Gruppenfuehrer, the chief of staff.

Q That office is not going to issue an order of this kind if it is against and opposed to the policy of the SA, are they? I am sure you don't need to look it up to get an answer to that question.

A I did not look into my notes to answer the question.

Q Would the office of the Gruppenfuehrer issue orders of that kind if they were -- if any such orders were in complete contradiction of the policy of the SA?

A This order is in complete contradiction of the policy of the SA. That can be proved by Lutze whether he gave it out as written, or heard of this action.

Q Yes, but I am not going to question on Lutze's order now. We got this order here, and we got the other one of 29 November, this first page.

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That is signed "Juettner", is not that also so?

A Yes.

Q However, as much as you are able to explain the other one, you ought to be able to explain this one. Let me read to you the second paragraph: "In connection with actions against the Jews arising from the public, valuable objects had to be safeguarded here, and therefore all offices of the Party put its branches for the protection of German property. I order that such objects be turned over at once to the nearest office of the secret state police, and receipts be given therefor." Now am I right in thinking from that, that the SA offices safeguarded valuable objects during the course of those demonstrations?

A No.

Q Can you tell me what the meaning of that letter is?

A No. This is an order issued by the deputy of the Fuehrer concerning valuable objects that had been confiscated from the Jews, and which he wanted to safeguard.

Q Yes, but how does the SA come into it?

A All county offices including the SA were issued this order.

Q But if the objects stolen from the Jews were not being safeguarded by the SA, what help could the SA give him at that time?

A They only wanted to find out whether the SA had in its possession any such objects, and these were then to be handed over.

Q Why should the SA have received stolen property from the Jews. Why should they have done so in any event?

A The supposition existed that SA men had taken part in excesses against the Jews.

Q Why should that be a supposition by saying, if the SA were quite

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innocent in regard to the Jews generally?

A We are used to carry out investigation, because we knew of certain offices and men who found use of these actions.

COLONEL GRIFFITH JONES: Very well, that is all.

BY M. MONNERAY:

Q One question concerning the events of November 1938. When you learned of participation by certain members of the SA, what did you do? I am sorry, I don't want to have a long speech now. Perhaps I could shorten my question. What happened as concerned Regardenfuehrer of Brigade 50?

A I only learned of the Regardenfuehrer 50 actions now here from the prosecution.

Q Do you contend that the whole list of synagogues had been sent over to the Munich office as the main office of the SA?

A I have not seen it.

Q You sent out an order on 29 November, didn't you. You sent out an order on 29 November?

A Yes. Passed on an order of the deputy of the Fuehrer.

Q And you had no fires concerning the previous events?

A Excesses by SA men were reported, and we handed over these SA men immediately to the court for punishment.

Q Do you consider as excesses, the events which happened in the Brigade 50?

A Yes.

Q Do you know who was the Chief of the SA group Mittlereihn, the middle Rhine?

A Obergruppenfuehrer Goenz was chief of the middle Rhine.

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Q Do you know whether Chief of Brigade Lucke had been punished?

A We did not hear that Lucke carried out any actions contrary to the orders.

Q But he did practice in those excesses, didn't he?

A I can not tell you, I don't know.

Q So you think that report he sent over on 11 November is not sufficient to prove his participation?

A If we had received such a report we would have taken action, but we did not receive any such report.

Q You really claim that such ~~xxxxx~~ important reports sent over from the Brigade to the Gruppen had not been sent over there from the Gruppen to Munich.

A No, it was not passed on, I know that for a fact.

Q Did you receive any complaints about the burning of forty or fifty synagogues?

A We received one complaint on the same night from Munich, for example, and one from Nurnberg, and we took penal action wherever SA men had taken part, but not one SA man, but others, had taken part, in many cases undesirable elements.

Q But did you make inquiries?

A We had reports given us where SA men had taken part in actions against Jews, and for particular reasons in those reports he carried out our penal actions. The events concerning Brigade 50 were never reported to us.

Q So once more you claim that participation of Brigade 50, consisting in burning and destroying forty or fifty synagogues, had not been reported to you, inspite of the fact you asked your local organization to report to you of excesses?

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A No, this incident was not reported to us.

Q You have never known for ten years or more, about six or seven years, that those synagogues had been destroyed by participation of your Brigade? I don't want any belief, or to know anything about your beliefs. Nobody protested, according to what you wanted to know, about the element of the SA in this district?

Q A large majority of the SA men were against such actions. Also members of this Brigade, and they stated that they were not in agreement with those actions.

Q How do you know of those statements in this district ?

A In conversations with the comrades that generally condemned this action.

Q You say in general, but just one phrase before you said members and comrades out of this district. How did you know about this district?

A I did not know of this district that so many synagogues had been destroyed, but I knew that synagogues had been burned in the whole of Germany.

Q You did not ask all of your organizations all over Germany to give you a report of these events?

A Yes, he asked all our organizations for a report.

Q You said yesterday that your organization was only a protective organization against the political terror of opposing parties?

A That was the cause for the creation of this organization.

Q Did you know that 1 May 1923 the SA intended to make a Putsch?

A No.

Q Do you know, and I am sure you know of this document. It is document PS-2168. It is a history of the SA by Dr Ernst Bayer, and published on writings of the Hochschule for Politics. The editor is Paul Meier-Benecken-

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stein. Do you think that this group of papers is quite a distinct and correct history of this SA?

A I at that time was not a member of the SA, but I do not consider the contents pertaining to the character of the history of the SA but is a private opinion of Dr. Bayer.

Q How are you entitled to talk about the motives and reasons for the formation and creation of the SA.

A Because as a Sturmbannfuehrer in center Bavaria I took personal part in the cause of the SA.

Q I want to read one page from page 2 of the translation that has two or three phrases in it. I am talking about the 1st of May. The last paragraph of page 2, in document No. 2168: "This day he was supposed to bring a final reckoning of the masses." Do you call this defensive intentions?

A I did not get all of the translation.

Q The first of May --

A This can only be a private personal opinion of Dr. Bayer. It did not number 10,000 men at that time, but later many organizations, many hundreds of thousands.

Q Well, this passage was given by Victor Lutze, and you will find it on the first page of this document.

H0924-0021

Q Now, just a last matter also concerning the very peaceful character of the SA. I thimk it was admitted yesterday that the SA formations have been used as auxiliary organizations for cleaning up the state, from the beginning of 1933.

A Not as ~~xxx~~ an organization. SA men were called upon to do auxiliary police duty.

CAPTAIN TUBRIDY: Mr. Monneray, it is 11:30 ~~right~~ now. Could we recess at this time?

M. MONNERAY: Yes.

(A recess was taken).

BY M. MONNERAY:

Q When individual members of the SA were employed for the special purposes of auxiliary action, they were employed with the knowledge and consent and the assent and directions of SA. Isn't that so?

A Mostly not.

Q But anyhow, you admit that this activity was within the general scope of your organization and you didn't oppose, neither protest, did you?

A This using of SA men for purposes like this was based according to law and we could do nothing against that.

Q So it was quite according to the general rules which applied also to the SA, ~~xx~~ wasn't it?

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A A There was a law and we were -- quite often we were very surprised when SA men were used as auxiliary police.

Q So everybody in your organization knew that members could be used for this purpose?

A Just like every other German citizen, yes.

Q But it wasn't a special mission of the SA, was it?

A No. In no way.

Q I want just to read you another passage of the same document, P. S. 2168, page 6, of the English translation. The title of this passage is "The SA in the Third Reich."

MR. MACE: What page?

M. MONNERAY: Page 6.

DR. ASCHENAUER: There are several pages missing here.

M. MONNERAY: We will see to it. You will get a complete copy.

BY M. MONNERAY:

Q I just read this passage: "After the seizure of power, so was there no moment of rest for the SA men."

THE INTERPRETER: Would you repeat that, please.

BY M. MONNERAY:

Q "After the seizure of power, so was there no moment of rest for the SA men. What was worth cleaning up, was cleaned up. Whether as auxiliary police

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or with special orders, whether as a propagandist or as helper, the SA man in general was there and labored silently as the shining example of the Idea in the structure of the new state. Even after victory the SA had heavy losses -- "

THE INTERPRETER: I cannot understand it.

MR. MONNERAY: -- "had heavy losses to lament. It was generally employed where elements of the government foreign to the people had not yet understood the signs of the times or where Communism and elements hostile to the State still insolently dared to rebel. And not the last the fight against disguised opponents was a difficult labor of the SA." And so on.

The other is an ordinary general phrase. I have stopped the quotation thing.

Now, in other words, here on this quite official publication, the fuehrer chief of the SA, they ~~give the real~~

give the real tasks of the SA man, which means policeman, spy, and propagandist. Now, do you still claim that the mission of SA was only to help as a fire squadron and to make physical training, and that you had no political mission and task?

A I cannot answer that one. Without a doubt, a change in the state took place in 1933.

Q So may I just ask you whether or not, did the SA approve this sort of seizure of power?

A I just want to explain that.

Q I think you can quite easily answer yes or no.

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A The question wasn't asked in such a way that I could answer yes or no.

MR. MACE: The word used by the witness should be better translated as over-throw instead of change; indicating violence.

THE WITNESS: Yes, they helped the new state in keeping its power.

BY MX. MONNERAY:

Q Yes.

A A counter-revolution was expected,by some other organization. As far as the SA was used for police action in a case like that, it was due to the order of state offices or state agencies.

Q Yes, you said so before, and according to the general ideas of the SA, you admit it?

A Yes.

Q Did the members of the organization wear arms -- carry arms?

A If they were used as policemenx, according to law, at timesx they did have weapons.

Q So SA men had to perform duties which consisted of carrying arms. Certain duties. Please answer yes or no.

A Not as SA men, but as policemen.

H0924 - 0025

Q Well, just to conclude, I would like to read an excerpt of 2820 P. S., general service regulation, which is the Allegemeine Dienst of the SA. Article 18 provides the SA man is allowed to use a weapon. The SA man is allowed to use a weapon entrusted to him only to perform his duties or in actual self-defense.

So according to the official regulations there are duties of the SA man for which it is necessary to carry arms. Isn't that so?

A With the exception of a dagger the SA man did not carry weapon unless he had a pistol permit just like every other German citizen.

Q You didn't answer the question. Article 18 says a weapon is entrusted to the SA man in order to allow him to perform his duties.

A If he was employed as policemen he got his weapons from the police. /If as a border patrol man, he got it from the border patrol.

Q Well, I just add for the transcription that Article 18 doesn't talk about police but only about SA man and his duties.

CAPTAIN TUBRIDY: Does Colonel Smirnov have any questions?

Commander Felton?

H0924 – 0026

COMMANDER FELTON: I wonder if Two members of the Americans prosecution here could interrogate the witness?

CAPTAIN TUBRIDY: Very well, ~~then~~. So long as there is no duplication.

THE INTERPRETER: Commander, would you please repeat what you said just now? I did not hear you.

CAPTAIN TUBRIDY: It is all right.

BY MR. MASE:

Q Witness, I would like to clarify first several translations of German terms. Yesterday when asked by my learned colleague you objected to the translation of the word "Wehrsport",
by the English term "military sport." And you insisted that its meaning should be defense sport.

A Yes. "Wehrsport."

Q As defense sport, and not as ~~xiii~~ military sport.

A May I add something to that? There are no such things as military sport. There is military training and "Wehrsport" or defensive training, as it is.

Q I am very much obliged to you for this explanation that military sports just do not exist; that "Wehrsports" do not exist. That is military training. Won't you admit that in the common German usage where the word "Wehr" is a part of the composite noun, it is a synonym for

H0924-0027

military?

A No.

MR. MASE: I submit a dictionary which is published in "Schoeneberg." "Langenscherdt" Berlin. It is a pocket dictionary of English-German and German-English. I have the edition of 1929. Does the defense counsel want to see it? (Indicating).

BY MR. MASE:

Q Under the word "wehr", --

meaning defense, resistance; also weapon. Now I will read to you the composite nouns: "Wehrplichtig," -- liable to military service; "Wehrstand," -- military profession; "Soldaten," -- in military.

I refer you to the law on the creation of the Wehrmacht of 16 March 1935 and will read to you Article I thereof. I will read in German.

(Counsel reads in German).

THE INTERPRETER: Service in the Wehrmacht.

MR. MASE: Which means Army.

THE INTERPRETER: Which means Army. Will take place on the basis of general Army service.

MR. MASE: Yes. General military duty. I will refer again to this dictionary: "Wehrtanglich," is compulsory military service; conscription.

DR. ASCHENAUER: I want to say that the Prosecution has connected the word "Wehr" with a various number

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of words. In this case we are talking about "Wehrsport." On the other hand, it is concerning military terms or military idioms. (Speaks further in German). (to interpreter)

CAPTAIN TUBRIDY: Mr. Aschenauer, -- will you translate that.

THE INTERPRETER: The basis of the German word "Militaire" is the translation of the Latin word "soldier" and the soldier carries weapons.

CAPTAIN TUBRIDY: Mr. Aschenauer, the Prosecution is now cross-examining the witness and he is directing his questions to the witness. The question that has arisen here is one of terms. There has been some confusion as to whether certain words mean "military" or mean "defense" and he is trying to clarify ~~on that basis~~.

After the Prosecution has put its questions you will have a right to examine the witness. Otherwise, I wish you would allow the proceedings to continue, unless you have objection to a question.

MR. MASE: I do not care to go into ideological discussions. I speak about the living meaning of German words and expressions and as they are used in their language and in military terminology.

BY MR. MASE:

Q I would like to ask you in connection with what I said, whether you know the German term "Wehrpapiere".

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THE INTERPRETER: (Speaks in German, and adds): It means Army papers.

MR. MASE: I am sorry, sir, I switched into German. May I tell you in American language it means military service documents.

BY MR. MASE:

Q Do you know the word "Wehrunwurdig," in the German Army?

THE INTERPRETER: (Speaks in German, and adds): It is, in English, ~~XXXX~~ "fit for military service."

MR. MASE: The translation was correct, "fit for military service." You probably also know the German word (speaks in German) -- unworthy to bear arms. I will not ask you any more of these German terms.

BY MR. MASE:

Q Don't you agree that the word "Wehrsport" was correctly translated into English as "military sport?"

A Just this little as fire-fighting duty is a military term.

Q Would you say that, on principle, the translation "military sport" is excluded? Suppose you wouldn't know what that is, you had never heard of it. You have a German word. You would believe, before you knew what it is, it could not mean military sport? The translation is

H0924-0030

not quite fair?

A I would think of defensive.

Q That isn't my question. My question was, you would think about defense. You would believe that it is impossible for somebody not to think about military sport, on the basis of the German language?

A I always connect~~X~~ military sport with weapons, but not "Wehrsport."

Q Would you refer to 2354 P. S. describing what those military sports were; was it not referring to small caliber arms, hand grenades.

A No. The small caliber was a sport weapon, sport gun.

Q How about these hand ~~grenade~~ grenades?

A We did not have any hand grenades. We had clubs out of wood.

Q Did the exercises with substitutes, as I understand it, prepare ~~the~~ people for throwing hand grenades?

A Yes.

Q Thank you. I refer now to the second expression, "Gelandeubungen."

THE INTERPRETER: (Speaks in German. Adds): Or terrain training.

MR. MASE: Correctly translated in the same document 2354, P. S., page 2, S, terrain service.

H0924-0031

Q Actually the correct English translation would be field exercises. Do you agree?

A Under the field training we understand something different. We understand in field training training in connection with a military situation out in the country.

Q I refer you to the following specification of terrain service. (speaks in German).

THE INTERPRETER: Would you repeat the last part, please.

BY MR. MASE:

Q Utilization of terrain and general behavior in terrain service.

A Yes. That is what we practised.

Q Would you agree that people who went through this course would be well prepared for what you call field exercises?

A Without a doubt these men were trained as to how to conduct themselves in the country and therefore were better trained to do field service.

Q The same applies to the estimate of terrain, doesn't it?

A Yes.

Q The same applies to the element of ax distance.

H0924-0032

I ask for yes or no. As an officer, do you agree that estimate of distance is necessary for firing in the field?

A X It is also necessary for this matter.

Q Is camouflage and concealment a xx necessary part of modern warfare?

A The modern form of warfare for the defense of the xxxxxxxx country, definitely.

Q You are an officer, aren't you?

A I was.

Q By profession?

A X ~~From 1920~~. Till 1920. (sic).

Q Will you really deny that you believe that camouflage is only necessary in defensive warfare?

A No.

Q Thank you. But that is exactly what you tried to say in your previous answer. Thank you.

A May I add something?

DR. BOEHM: Ask the President, if you want to say something else to the last question.

CAPTAIN TUBRIDY: You can answer the Prosecutor's questions, then when your attorney examines you, you might respond.

DR. BOEHM: May I say that the witness did not speak in this case, then.

CAPTAIN TUBRIDY: I wish Counsel would not speak unless they are ~~recognized~~ first recognized.

H0924-0033

BY MR. MASE:

Q I would like to refer you again to document 3215 P. S. That is Lutze's statement of the military training of the SA. It was yesterday read to you that 22,000 -- 25,000 officers, ~~fuehrers~~ fuehrers, and non-coms were trained since 1934 in special educational courses until they possessed education and examination certificates. ~~I skip~~

I skip one sentence and read to you the following:

"Hand in hand the training of the fuehrer corps and corresponding organizational matters and the training at the front proceeded on the broadest basis."

This is dated 11 March 1939 and prior to the Polish matter. What do the words "at the front" mean?

A That means that the organization, the SA organizations or SA units,were made practical, or did practical services. That is what we call "on the front."

Q Well, what do you call practical services?

A This duty of the business of the SA and sports badge.

Q Yes. In connection with this military sports.

A In connection with Wehrsport.

Q Exactly. In connection with the Wehrsport. ~~M~~ Exactly. I repeat, "Exercises which facilitate for the men later on to become consummate soldiers."

H0924-0034

You agree with that, don't you?

A No. As soldier and officer, I cannot. I would say that it was a very primitive exercise training and had nothing to do with weapons or actual warfare, and there was a lot missing yet to what the soldier had to know.

Q If I am not mistaken, you testified that any training which the men of the SA had did not give them any particular preference in the Wehrmacht, in the Army, Wehrmacht Army.

A That is right.

Q May I read to you a further quotation of your chief of staff, sir. This is page 2. I continue on page 2 of document 3215 P. S. Page 2 of the English translation. He speaks about the work at the front and continues:

"in the course of this development" -- I stress the words "this development" -- "also special means for military betterment program were placed on the SA. The Fuehrer gave the SA the cavalry and motor training and called SA Obergruppenfuehrer Litzmann as Reich Inspector with the mission to see to the cavalry records and records for the German Wehrmacht to the SA."

I continue:

"In close cooperation with parts of the Wehrmacht,

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special certificates were created for the communication, engineer~~ing~~ and medical units, which, like the cavalry certificate of the SA of value, has statement of preference for employment in said units."

Wouldn't you say, Witness, that your statement that any training the men received in the SA did not give them any preference, is contradicted by your Chief of Staff?

A No, but actually they did not have any preference.

Q My question is different. I asked you simply whether on the basis of this training in the SA, certificates of preference were granted.

A These certificates were given to men who had successfully completed their training on horse-back, but these riding units were never called cavalry units and were not cavalry units.

Q Please ~~in~~ listen to what I will read to you again:

"in close cooperation with parts of the Wehrmacht, special ~~unitx~~ certificates were created for the communication, engineer and medical units, like the cavalry certificate of the SA, of value as statement of preference for employment in said units."

Did you hear that?

A I heard it.

(Mr. Mase speaks in German).

A I answer --

Q I don't know anything about this memorandum.

H0924 – 0036

A I answer this question, discuss this question, thoroughly in my memoirs, memorandum. These certificates existed and were created. If I may point it out as an example with the riding, the duties of the Army were made as a basis of this certificate, because there they had the big experience in the treatment and training and the care of horses. Order of battle was in no way used by us. Whoever had this training behind them received this certificate. Without taking in the possibility of serving within a cavalry unit in the Army, the Army used that only seldom.

Q Did I understand you correctly that the man who came by this certificate was in a better position at the start, with the Wehrmacht?

A He was better trained in riding when he arrived there.

Q He was better trained, wasn't he?

A He was, in riding, and duty on a horse.

Q You said that these certificates are of value as statement of preference.

A That was our wish, but in practice it did not occur, did not happen.

Q Witness, I don't know anything about your thoughts. Am I justified to conclude from this wording that these certificates were actually of value, or not? Answer yes or no. (Speaks in German).

H0924-0037

I repeat my question; I said: "Witness, I don't know anything about your thoughts. I simply ask you whether I am justified in concluding that these certificates were actually of value or not."

THE INTERPRETER: Will you please read that.

(The German reporter reads).

THE WITNESS: For value, yes.

BY MR. MASE:

Q Thank you. That is all I wanted to find out. Thank you. I would like to take up another document. May I refer you to document 2383 P. S. This document is an order by Hitler, Adolf Hitler, and is entitled "Pre- and Post-Military Training." I read as follows:

"SA sport insignia elevated to SA defense insignia and made basis of Pre- and Post-Military Training. SA is responsible for training."

Did the SA carry out these activities of pre- or post-military training?

A It was supposed to do it, according to this order -- or should receive it, according to this order.

Q Did it carry out this order?

A This order was rescinded on the 1st or 2nd September 1939. Up to that all the preparatory work had been done to carry out this order.

Q It was carried out?

H0924-0038

A Yes, the ground work, preparatory work, was carried out.

Q They were carried out to the fullest extent of this order?

A This order should be -- came into effect at the end of the preparatory work.

Q Does it say so? When the order should become effective?

A It doesn't say so in the order, but it was never carried out or put into effect, since Bormann, and also the Army, were against it.

Q But you proceeded on the basis of the order when it was promulgated?

A The preparatory work started right away.

Q You started operations immediately?

A Yes.

Q I have here an excerpt from the "SA Man" which bears the signature of Adolf Hitler and it is dated 5 September 1936. It reads:

"Then only the scope of training for our people will be complete. The boy will enter the Unfort ~~(?)~~ and the lad, he will enter the Hitler Youth. The young man will go into the SA, in the SS and any other. SA men and SS men will one day enter the Lieber ~~(?)~~ service and from

H0924 - 0039

then to the Army. And the soldier of the foe will return again in the organization of the movement. The party in the SA and SS and Navy will out fall, decay, as it once was decayed ~~(?).~~"

My question is, doesn't it follow from this quotation that the SA was intended as a preparation institution for the Army, and a depository of those who went through active military service?

A At that time, under no circumstance.

Q So you believe that you could not conclude that post-military training and pre-military training was carried on by the SA at that juncture?

A Not before 1939 was a thing like that supposed to ~~be~~ be.

Q May I refer you to document 3213 P. S. It is again the statement by Lutze. I quote:

QThe training of military spirit of the German person must only begin in the home, in the school and in the uniform; that already the military will must be awakened and required, in the Hitler Youth, in the SA, and in the other units of the movement the military capability must first of all be prepared and tested. The young man must learn the military dexterity during his service in the German Wehrmacht, while the preservation of military proficiency again must be the concern of the SA. Military sport as we

H0924-0040

understand it is a term which does not allow any restrictions in its requirements placed on the youth, on the young man, and on the man until old age; with ideological forms in spirit and in aggressive training of the body the SA sport badge shall be the symbol for all these performances."

Doesn't it follow that the SA --

MR WASE. Before we pursue this question

CAPTAIN TUBRIDY: It is one o'clock. I think we might adjourn.

(The Commission adjourned until 1400 hours).

H0924-0041

(The hearing reconvened at 1400 hours, 30 May 1946)

MAX JUETTNER - Resumed
CROSS EXAMINATION - Continued.

BY MR. MASE:

Q I interpreted just before the recess Document 3213 from which I ~~xxxxxx~~ quoted. Do you remember that quotation?

A Yes.

Q I especially am interested in the sentence "Military Sports". That is a term which does not allow any restriction in the instrumentality. Does not this sentence indicate that military sports as they were in the SA comprised quite a large field?

A My answer to that question will be in two or three sentences. The Wehrsports covered quite a large area and is the same as the Wehrgeistig sports, or sports of the MSK, motorized vehicles, which covered a large area of technical training. The work of the training of the Wehrsports trained in the SA is best shown, I believe, by the fact that even high SA leaders, when they entered the army, had to start as regular soldiers.

Q Isn't there a contradiction in your statement? First you contend that the sports, the military sports in the SA covered a very large field and I have concluded they were very important, and now you suggest the importance of these sports is shown by the fact that even the highest SA leaders came into the army as privates, and I see a

H0924-0042

contradiction in that statement.

A The Wehrsport as I knew it covered a large area. It was made of various activities such as throwing of clubs and other sports, but as a sports training for a professional soldier, it only had a limited or a secondary importance.

Q How do you interpret the words "military sports" in their totality?

MR. MASE: I object to the translation.

(The translation is corrected)

WITNESS: The various steps and the groups who obtained the sports badge had to retain the badge. That was the totality of the training, and in addition to that there was the wehrsport spirit, or training in addition to that.

BY MR. MASE:

Q Do you agree that those who participated in the exercises were well versed in that type of modern warfare?

A Modern warfare would not be the right word, but he was a better soldier than one who did not get this training.

Q What did you add as a professional soldier to the training which the man received in the SA in order to make him a soldier?

A The entire weapons should be added.

Q In other words, the handling of weapons in specific military plans, is that what you mean?

A Not only the handling and use of weapons, but also the strategic use and strategic training as a whole.

H0924 - 0043

Q That would apply to officers only, doesn't it?

A Also for non-commissioned officers, attacking units and attack leaders.

Q Wouldn't you say that generally in the service the last item of group 3, which was discussed here today, includes elements of lower leadership in the SA?

A Yes, ~~that~~ those were the ~~xpxxifi~~ basic elements for lower leadership which had to be added.

Q But I understand you can say that there was a need of such service as a lower leader?

A It was a preparation, however, not a very thorough preparation, since preparation could not be carried through as planned all of the time.

Q What was the goal which they attempted to reach?

A The man who tried for this badge, the sports badge, had to train before, and depending upon the time that the person was able to spend at it, it took quite a long time to train for that.

Q Exactly, that is what I understand. In other words, these contests created a certain amount of proficiency.

A This training as in every other sport prepared a man for this test.

Q Exactly, and this examination was intended to increase the skill of the person and it prepared him for further military training?

H0924-0044

A They were not fights, but they were just training, and the purpose of it was to have the person more and more trained in these sports and in the public defense of his country, as well as in the spiritual thoughts of training.

Q The misunderstanding arose in an incorrect translation. I never spoke of any fights. I spoke of examination for military contests. It is quite a different matter, and the examination gives a certain military badge. In other words, let me repeat this question. It was a misunderstanding in connection with the translation. Do you agree that the system of examination for those who participated in those military sport activities was a means to increase proficiency in a field which gave the possibility of an easier training in the Wehrmacht?

A Yes, and these examinations were directed toward this goal.

Q The goal of the examination was to receive the badge?

A Yes.

Q Exactly and the badge signifies a certain proficiency?

A Yes.

Q Which was directed toward the military service proper, isn't it?

A It was a preparation for the military training.

H0924 - 0045

Q You will agree that such preparatory training was exceedingly useful in the army?

A The opinions are divided on that question. If you asked the army there also there are different opinions.

Q I refer you again to the words of Ernst Bayer, who said that the operations were very valuable, and you will agree that those were not only words, but they actually were true.

A I do not deny that in many ways the recruitment office did not always share our opinions and did not always take them into consideration.

Q I still believe that is a contradictory statement.

A I am of the same opinion as the chief of staff. Perhaps I did not express myself quite clearly.

Q But the worth of this statement you will realize that they were the objective values, not only by the SA but by the respective authorities concerned?

A They were to be valued objectively, but practice actually showed this was not the case everywhere.

Q I do not care to press this point. I do not care to press this point in the face of your reply and in the face of the statement of the document. May it pass. I would like to quote to you from document 2168 P S, and then again it is a book by Ernest Bayer of the SA. He states as follows: It is page 13 of the English translation.

CAPTAIN TUBRIDY: Is this document in evidence?

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MR. MASE: It is U S A 411.

"Thus there originates in these technical units of the SA trained crews whose capabilities and knowledge are not the last ~~the last~~ ~~least~~ things of extra-ordinary value in the service for defense of the country. On one side the young SA man, who enters the Army from his branch, comes prepared with a multitude of prerequisites which facilitate and speed up his training in technical respects; while on the other side, these very soldiers, having served, who return out of the Army into the SA, keep themselves, by constant practice, in a trained condition physically and spiritually and impart their knowledge to their fellows.

Q "Thus, they contributed a considerable portion to the enhancement of military strength (Wehrkraft), and military spirit (Wehrgeist) of the German people. As everywhere, the soldier of the army finds here too, ~~xxxx~~ his closest confederates in political soldiers."

Q This book has been published in 1938, prior to Hitler's decree, which I quoted from Document 2383 PS. Doesn't the document show that, irrespective of Hitler's decree, which came afterwards, the pre and post military training in the SS was in full swing?

A No, it was not in full swing, We strove to have this and finally got it in the year of January, 1939, it was a matter of fact for patriots who wanted to protect their own country.

H0924 - 0047

Q You planned that the SA wouldn't have any weapons, didn't you?

A Besides a tackle and small weapons, and except for those people who had a license to carry arms, none.

Q Now how do you explain the Article in the SA man which appeared on the 30th of July, 1936, page 14, entitled, "SA Man Has a Heavy Machine Gun?"

A The only explanation I can give for this is that the SA man must have served in the army, and that is shown as a machine gun.

Q So you deny that was an exercise carried out by the SA men as members of the SA?

A We had no machine guns, and, therefore, could carry on no exercises with machine guns.

Q What do you say about the Article from the "SA Man" of 7 September, 1938, page 1? "The SA and Wehrmacht" and shows pictures of SA men on field manuevers throwing hand grenades.

A Together with the army?

Q So far as I know separately with the SA man?

A We never had anything like hand grenades at our disposal.

H0924-0048

Q So that you, as Assistant Chief of Staff, were not sufficiently informed?

A I should have known.

Q It was your duty to know and you could not explain this situation?

A Will you please show me the document in the SA so that I may express my opinion?

Q We will reserve that a short while and I will repeat the question. There is an article in the SA man of the 27 January, 1939, which is entitled: "SA, the Forger of Military Power," with the sub-head: "The SA, Imposter of Pre-Military Training." Does it fully prove that the SA was an imposter of pre-military training?

A I do not deny that the SA wanted to and strove to prepare it's members for military training and to strengthen the Wehrmacht.

Q I have been informed by the official German documents of the German General Staff, that an officer, as a professional German officer, the doctrine was that the best defense is offense.

A Yes, I know this doctrine.

Q And do you know as a matter of common knowledge that the German General Staff followed this document?

A I don't know what connection that could be.

Q Would you please answer my question "yes" or "no."

H0924-0049

A Would you please repeat the question?

Q My question is: It is a matter of common knowledge that the German Army, Wehrmacht, proceeded on the basis of this doctrine?

A As far as I know the Wehrmacht has for a number of years and a very long time, up to the beginning of the war, restrained or confined it's manuevers in defensive operations.

Q When do you think that this course had changed?

A After the German collapse I spoke to several officers and these officers spoke to me of only very individual offensive manuevers as part of the defensive operations.

Q Do you seriously believe that, judging by the historical record, that the gentlemen you spoke with, expressed the offical doctrine?

A Yes, that is what I believe.

Q In the face of the historical record I do not care to press this point any further.

Another point, - May I refer you to Document 3214 PS. It is USA 432. "These regiments Feldheunhalle participated in the Sudetenland Operation."

A As far as I know the Regiment took the air force in this action as a part of the Wehrmacht.

Q Do you know by whom it was commanded?

A What, the regiment?

Q Yes.

H0924 - 0050

A A certain Reiman, Colonel of the Air Force.

Q Colonel Reiman, was the gentleman a member of the SA?

A Yes, he was a member of the SA.

Q What position did he have in the SA, do your emember?

A He was Chief of Standarte Feldheunhalle, and was either a Bugadefuehrer or a Gruppenfuehrer at that time.

Q And this gentleman was actually in the SA and was a lower Commander, wasn't he, he commanded this regiment, didn't he?

A In the Army, in the Wehrmacht he was a reserve officer, and in this capacity he was head of his regiment.

Q Would you say he was a Commander of the Regiment because this regiment was composed entirely of SA members?

A Yes.

Q In other words, this regiment was composed exclusively of SA members, was it?

A I believe that is true, and it may be though that some others were commandeered to be members of this regiment.

Q You agree that the service of the SA was exclusively voluntary?

A Yes, the service was voluntary.

Q Let me read to you a passage from Document 3214 PS:

"Only volunteers within the ages of 18 to 25, who obligated themselves to three year service, after at least

H0924-0051

a half year's membership in the SA or one year in the Hitler Youth membership, were employed in public and parades, the members of the Regiment who wear the brown SA uniform with two shoulder boards, and the insignia of seventy, in civil service, and on manuevers, they wear gray with the arm band of the Regiment Feldheunhalle", wouldn't you say that this regiment was formed as a part of the SA?

A No, this regiment was a part of the army, the Standarte Feldheunhalle was a part of the SA.

Q Doesn't this document show that it was not an ordinary Wehrmacht regiment, first, as to it's composition, and also it's uniform. Wasn't there any significance in these facts?

A Yes, these facts are significant, but after the regiment was a regiment, it was no longer subordinated to the SA training. Every training was given to these men by the army in special manuevers.

Q But as a special unit?

A Yes, as a special unit.

Q Exactly, and wasn't it a fact they wore brown SA uniforms, as a symbol of the spirit or purpose of the SA?

A While on army duty they did not wear the SA uniform, only while they were in service with the Standarte, not after they had been recruited by the army.

H0924-0052

Q Did you hear what I quoted from the Document 3214 PS?

A Yes.

Q "In public and in parades, the members of the regiment wear brown SA uniforms."

A What document is that?

Q It is an excerpt from the archives, and is entitled "Military Service in SA Regiment Standarte Feldherrnhalle."

DR. ASCHENAUER: Might I point out there might be some translation mistakes in these documents, that Standarte has been confused with Regiment, and vice versa, and we should have the original text in order to make sure.

MR. MASE: I am sorry and say to the Commissioners and express my thanks to you, that is right, the German text refers to SA Standarte, and I am awfully sorry of this condition of the translation of the document. It is impossible to check every translation before an examination.

CAPTAIN TUBRIDY: It is all right so long as the record is correct.

MR. MASE: And I withdraw the questions in that regard, with one exception though.

BY MR. MASE:

Q Under the Command of Standarte Fuehrer Reimann, the SA Standarte participated in the occupation of the Sudetenland?

H0924-0053

A Yes, as a part of ~~this~~ the Wehrmacht this unit was no longer subordinated to the Supreme SA Command but to the Command of the Air Force.

Q In other words, your explanation on that situation was that it was not immediately under orders of the SA, is that true?

A And I also wish to point out that the SA, like the Waffen SS did not have formations.

Q But it participated as a military formation?

A At the very moment it became a military formation it was no longer a member of the SA?

Q And you agree with me that the same moment ~~this~~ when it was subordinated to the Wehrmacht in order to march into the Sudetenland it must have been fully trained and in existence?

A It had been trained previously in exercises carried out by the Wehrmacht, whether it was going or not I cannot say.

Q But you will agree that in order for the Wehrmacht to have this unit, volunteers from the SA must have come in and composed it?

A If the Standarte had not been in existence the Army would have drawn up another.

H0924-0054

Q Surely, but in composing this SA regiment the SA did some thing for the army?

A When the Standarte was composed or drawn up we were not aware of the fact that sometime it was to become a regiment or part of the Wehrmacht.

Q Supposing that to be true, it still was probably organized on such a line that the Wehrmacht could use it?

A Yes, that was an established fact which had nothing to do with the idea of a previously thought out organization.

Q But doesn't this fact prove though, that units organized by the SA were in such condition that they could have been used by the Wehrmacht?

A The only unit of which this may be said to be true is the Standarte.

Q But you agree in connection with the Standarte it is a fact?

A Yes.

Q Thank you. Do you remember by any chance how many officers and how many enlisted men there were in the regiument of the Standarte Feldheunhalle?

A (Witness' answer is not translated)

Q I am sorry. I would like to ask this question. Do you know numerically how many officers and how many enlisted men were in the Standarte Feldheunhalle?

A No, I cannot say.

H0924-0055

Q You were on the staff of the Freikorps?

A Yes, I was with Konrad Henlein.

Q From the point of view of the State of Czecho-Slovakia, Conrad Henlein would be considered a traitor?

A We considered him a refugee at that time.

Q Don't you agree that a person who betrays to the foe territory of a state, is a traitor to this state?

A I don't know if Henlein came to Germany at that time with this in mind?

Q Did you participate in the operations with Conrad Henlein in the occupation of the Sudetenland?

A No.

Q You were on the staff of his command, weren't you?

A When he was on German Reich territory and while the border country was endangered by bandits, that is the time I was there with him. We took care of the refugees, because many of them were also transported and we sent to collection camps and gave them food, shelter and so on.

Q You dealt only with children then?

A No.

Q I mean you participated also in the organization of the Freikorps, didn't you?

A I was not allowed to have any voice in that organization.

H0924-0056

Q What did you do in your capacity as a representative of the SA there?

A We supplied them with cots, billets, clothes and so on and several groups were formed of SA men which we placed at their disposal for border protection.

Q What was your purpose in composing the Freikorps, just to play?

A No, not to play. We were of the opinion, and it actually happened that bands attacked German farms and houses and this had to be prevented.

Q Witness, I should have actually checked you in your reply, but I did not do so in the face of the historical record. Here, I have in front of me Document 3036 PS by a man Gottlieb Berger, Oberfuehrer in the SS, and who was a liason officer with Konrad Henlein in the Sudetenland Freikorps and he certifies in connection with the Freikorps that these groups were supposedly composed of refugees from the Sudetenland who had crossed the border into Germany, and they actually contained Germans with previous service in the SA and NSKK as well, and that these Germans formed the skeleton of the Freikorps. What do you know about it?

A I am able to represent the situation better and with the aid -

Q Will you please answer my question. Is that statement true or not?

A No, it is not true.

Q Thank you. Any further discussion is not necessary.

The power of the Hoheitstraeger der partei of the NSDA in connection with the employees of the SA was confined to political missions?

A It was confined to the scope I mentioned this morning.

Q Could you just in a few ~~xx~~ words restate your testimony?

CAPTAIN TUBRIDY: I don't think there is any need to re-state his testimony. If you want to cross examine him as to what he testified to you may do so, but I don't think it is necessary for him to repeat his testimony.

BY MR. MASE:

Q What was considered a political mission?

A Propoganda parades, protection of political meetings, the posting of signs and posters and so on.

Q Will you please tell me, did you testify, that through the position/~~xx~~ and power of the Hoheistraeger, it was called into service in catastrophies, prevention of damages cases and so on?

A Yes, they could be called upon to assist in catastrophies.

Q So you shouldn't have testified about catastrophies in this connection, should you?

A This morning?

Q Yes.

H0924-0058

A This morning I spoke about the entire act.

Q But we are speaking about a position ~~in~~ and power of the old Reich Leiter, isn't it clear he had the right and position in the SA for ~~his~~ political missions?

A Yes.

Q And questions of health in cases of catastrophe, and so on, within this scope, is that true?

A Yes

Q Now the regime of the NSKK was a totalitarian regime, was it not?

A The leadership within the party was to be totalitarian, but it was not so.

Q Didn't you testify yesterday that the National Socialist Party, before coming into power, didn't have any doubt but that ~~xxxx

H0924-0059

Q May I refer to you document 2407 P S. That is a letter from Hitler.

"It is my wish that the SA shall build up as a reliable and strong part of the National Socialist Government, full of obedience and blind discipline. They must help create and forge the new German Citizens." That is an order by Hitler. Wasn't this order to be followed?

A The order, of course, was for us, but it did not apply when illegal matters or misdeeds were asked of us.

Q Nevertheless in November, 1938, the SA carried out orders for the burning down of synagogues, didn't they?

A No, this was not ordered by the SA, the upper SA leadership.

Q But you just testified that it could have been ordered by the political leadership.

A It could have happened but if any such order should have come to the SA Leaders or from the Fuehrer such order would have been most strongly opposed by the SA Leaders.

Q But officially the SA leaders could take the position the SA unit was in his district. He didn't need to go through the chief of staff?

A If this had really taken place it would have been the duty of the SA man to oppose or reject this because it would have been illegal.

H0924-0060

Q But if their position was that the Jews had to be exterminated, it would hardly have been illegal. It would only have been along the lines of party policy?

A I am speaking for the SA and I believe also to be speaking for the political leadership that the extermination of a foreign foe was not the slightest wish or desire, in this case meaning the Jews.

Q But officially this action of 9 November, 1938, officially never was carried out by the SA, was it?

A Not only not carried out but forbidden by the SA and if individual SA officers and men took part in this action they did so illegally and were subject to punishment, but the organization as such cannot be held responsible.

Q But I quote the order in the second Document 1721:

"The action is to be carried out in civilian clothes."

A Who ordered this?

Q I will show you the document. (Document is handed to witness) So I ask you if officially the SA did not participate in that? It was a camouflage action, wasn't it?

A I pointed out before that the SA Fuehrer and Leadership stood in direct opposition to the order as carried out and if what is said here is true, then the participants had acted against the regulations that had been given but the SA organization as such could not be held responsible.

H0924-0061

Q This will be a question for the Court, whether you will be held responsible or not. Here is a question of fact. Wouldn't the fact this action had been carried out as a camouflage action give the possibility to what you have transmitted in your letter signed by you, and I quote the following: You ~~gx~~ quote the order in connection with the action against the ~~JEWK~~ Jewish riots in public. If the SA action would not have been camouflaged, everybody would have seen that those are SA men, wouldn't they, and so it got under the head of the public action against the Jews?

A The letter of which you speak here is not an order given by me, but only transmitted by me. The order itself was issued by Hess.

Q I know that, but you, in transmitting this order, you accepted the responsibility for it when you were Assistant Chief of Staff and you were in a position of/~~no~~importance in the Staff of the SA?

CAPTAIN TUBRIDY: The witness will be cautioned to please lower his voice.

WITNESS: I had a very high position in the SA and I shall gladly and openly take responsibility for whatever I carried out. ~~xtxthisxtime~~ At this time when this order was given out it was the 29th of November and the action itself had been over for a long time.

H0924-0062

DR. ~~KX~~ ASCHENAUER: I should like to point out that the questions concerning this document have already been asked by the British Prosecutor and are now being asked for the second time by the American Prosecutor, and as far as I know any one problem may not be treated by two prosecutors but only by one prosecutor. Therefore, I am opposed to the questions concerning the Document 1721 P S.

MR. MASE: May I advise you, sir, that the question was that the action was carried out in civilian clothes and in connection with the question the action was carried out by civilian Germans was not touched ~~kyxx~~ by any other party.

DR. ASCHENAUER: I should like to point out that the same facts are concerned. The British Prosecutor did have the opportunity to speak about the manner in which it was carried out. Even the ~~kxi~~ individual defense counsel are not able to appear ~~xxpxxxx~~ repeatedly in one matter or case.

CAPTAIN TUBRIDY: Mr Mase You should avoid, in your cross examination, covering the same material, if possible.

MR. MASE: Of course, I hope I don't touch exactly the same material as my learned colleague, but in this connection I believe that a series of questions were opened which were not covered.

H0924-0063

DR. ASCHENAUER: I am of the opposite opinion.

CAPTAIN TUBRIDY: Never mind, please Mr. Aschenauer. Will you make this as brief as possible?

MR. MASE: Yes sir, just one more question.

BY MR. MASE:

Q The property which was to be protected was designated in the order which you have transmitted as German public property? As a matter of fact it was Jewish property, was it not?

A I considered it in our sturm but was of the opinion that the owners were to be returned their property.

DR. ASCHENAUER: I object, the wrong quotation has been made. If I may quote, the quotation runs as follows: "Of these actions that had their origin in the population and took place against the Jews, were the duty officers of the party and it's formations had to safeguard valuables for the protection of German property. I, therefore, order that such objects should be handed over against receipts immediately to the nearest office of the Gestapo."

CAPTAIN TUBRIDY: What is your point?

H0924-0064

CAPT. TUBRIDY: What's your point, Mr. Aschenauer?

DR. ASCHENAUER: I want to point out that here no mention is made of German valuables or property, and that seems to be an order to inform the offices and to punish those who had committed these acts. Therefore, I do not think the Prosecutor has made the correct recommendation of those facts stated here, for it says here that the offices of the police are to be aided or supported in order to put an end to the illegal activities, and in my opinion, that is the clear meaning of this order. This order is not to mean any protection for property that had been robbed.

CAPT. TUBRIDY: The witness has answered the question. I think that it has been indicated by the witness that the property which had been taken was taken from the Jews. This is an order of the SA, I take it, I have not seen the document.

MR. MASE: Yes it is.

CAPT. TUBRIDY: It is an order of the SA in regard to this property?

MR. MASE: Yes, that's right. And this property is supposed to be turned over to the secret state police under written receipt. I would like to clarify, it's not a question of theft as the defense counsel interpreted my words, but of a confiscation of Jewish property.

I have no further questions.

CAPT. TUBRIDY: We will take a recess for ten minutes.

(A recess was taken.)

CAPT. TUBRIDY: I think we may proceed.

COMMANDER FELTON: There will be no further questions.

H0924-0065

DR. ASCHENAUER: Then I would like to ask a few more questions of re-examination.

RE-DIRECT EXAMINATION

BY DR. ASCHENAUER:

Q The Prosecution quoted from the document 3036-PS. I quote:

"These groups were supposedly composed of refugees from the Sudetenland who had crossed the border into Germany, but they actually contained Germans with previous service in the SA and NSKK (Nazi Motor Corps) as well. These Germans formed the skeleton of the Free Corps. On paper the Free Corps had a strength of 40,000 men."

I wish to clear this up, Mr. Juettner.

A I know the Free Corps, because I was with Konrad Henlein. The free Corps was a lost group which, in reality, was a group of refugees, kept together like bandits. Therefore, if one was a soldier, one cannot speak of a skeleton. It does not have any valid possibilities. Above all, it would have been impossible, for instance, to compare the Sudetenland with the Free Corps. These places where I was had field guards who had weapons, and the others did not.

These men of the Free corps were wearing the occupational clothing, the locksmiths wearing brown overalls; the waiters in black smokers. In the groups of the Free Corps, there were few SA men and members of the NSKK.

Q Then in connection with the document presented by the Prosecution, PS-1721, we speak of foreign elements which participated in the action of 9 November 1938. You knew about the report of Graf Helldorf, the Police President of Berlin? Did you not hear, on these demonstrations of the 9th of

H0924-0066

November, 1938, in Berlin, that Chinese communists participated in Berlin?

A I heard of that report later on, that is, now, but I know that also at other times, non-Party members, that is, dark elements of the population, took part. And I also know that we safeguarded Jewish property. The various SA offices sent out guards for protection.

Q The Prosecution quoted the SA as being a defensive group against terror acts of other organizations. In this connection, I ask, why was it necessary to have such protection?

A That started already when in 1919, the internal security had been partly taken care of by the Free Corps of Minister Noske, and all the meetings of patriotic groups, of vetern groups, were attacked by armed bands and at times, with heavy casualties.

Q In this connection, is the quotation from Hitler's "Mein Kampf", which was presented by the Prosecution, understandable? It says here:

"Independent Party and Spartakusbund groups were the strong portals of the individual storm units."

A Yes, the best proof of that was the slogan that used to be hung over houses and over stores, on which was written, "Hit the Fascists where you meet them, even though we never were Fascists or never wanted to be Fascists."

Q Did this fact give Roehm the reason to try to find a connection with the Western powers and also a reason to build up such protective groups?

A I say this was his opinion.

MR. MASE: If your Honor please, I do not believe this is proper re-direct examination. It has nothing to do with what transpired in cross-examination.

DR. ASCHENAUER: Yes, the word protective groups was used for protection against terror organizations. I just wanted to clear that up right

H0924-0067

here and now, may I move to another phase of questioning.

You made, in an answer to a question by the Prosecution, you stated that this thought was also prevalent among the old resident Jews. I therefore ask you, what did the famous Professor Karl say, and what did you reply to him?

CAPT. TUBRIDY: The relevancy of what the individual said and what the reply was in this connection is certainly a vague bit of proof and it can be dispensed with. Will you proceed to the next question?

DR. ASCHENAUER: May I then clear a part, or try to explain the philological discussion by the Prosecution this morning?

CAPT. TUBRIDY: Will you please proceed to the next question? I think it is understood what the Prosecution has proven and what you have proven. Now, will you please proceed to the next question?

DR. ASCHENAUER: Then there must be some mistake in the translation from this document, in which Lutze talks about the wehr action in the SA. On page 1835 it was translated 22 to 25,000 officers and non-commissioned officers. And here it says, 22,00 to 25,000 leaders and sub-leaders. On the same side it says Dehrertuechtigung and not military training. On the same page it says reitansbildung and not cavalry duty.

Then also a quotation was made from this articles, Hitler's Mein Kampf, and to clear up this point, I have to take this quotation from Hitler's "Mein Kampf". Here it says: (Quotation read from Mein Kampf.)

CAPT. TUBRIDY: May I ask the point of this reading from "Mein Kampf"?

DR. ASCHENAUER: The quotation was taken by the Prosecution out of this context, and gave the impression of an Army training, but actually, when reading the entire quotation, one can see that in this connection it does not concern an Army, but just the spirit. It states here that he does not want a semi-

H0924-0068

trained military unit. That's why I want this reading.

CAPT TUBRIDY: Since it is in the German report, will you please translate it into English?

INTERPRETER: "So far as the members can be trained physically, the main point should not be military drill, but more in sports activities. Boxing and ju-jitsu are always more important than other sports, because it is only to a certain extent training and shooting.

"If one gives the German nation six million well trained sport bodies, all with a thoroughly fanatical love, and trained to the highest spirit of obedience, and one National State will result from them. If necessary, in not even two years an Army will be created."

DR. ASCHENAUER: Just because this sports training is connected at times with a defense of the homeland, the Prosecution takes the big jump and connects it with and aggressive idea.

CAPT. TUBRIDY: We understand your point. Can we get on to the next question?

DR. ASCHENAUER: That this question is important will soon be proven.

BY DR. ASCHENAUER:

Q I ask you, did the highest SA leaders receive any orders from Hitler, Goering, or Keitel, that pointed towards an aggressive idea?

A At no time did they get such orders.

Q Then did the SA leadership give such orders?

A At no time.

Q The next question. Isn't it true that every man of the Regiment Feldherruhalle had to go through the same military training as every Army soldier?

A Yes.

H0924-0069

DR. ASCHENAUER: I thank you.

DR. BOEHM: Mr. President, I wish you would permit me to ask two or three more questions.

CAPT. TUBRIDY: Will you make them very brief, please?

DR. BOEHM: They will be very short. This concerns the problem of voluntary membership in the SA.

You recalled yesterday, that the student, the University student who wanted to go to Duke University hadto take a report to the SA college office and the SA unit. If he did not report to these two offices, or two units, he could not enroll and he could not take any examination. Therefore, could one not see a very broad compulsion of entering the SA ? A compulsion which had a very material background, and which went from the spiritual point to the physical point, because in order to get into the high school and graduate, such large amounts of money were needed, and the reason for entering those schools was later on to enter a University, wasn't it?

COL. GRIFFITH JONES: I do not want to object, but after all, the witness is giving evidence and we are hearing a great deal now from the Defense Counsel. If my recollection is correct, this witness has never given evidence at all on these matters.

CAPT. TUBRIDY: The objection is sustained. You should confine your examination to what was brought out on cross examination.

DR. BOEHM: In this connection, I would like to ask the witness now if he wants to stand by his statement which he made yesterday concerning the voluntary entry into the SA?

CAPT. TUBRIDY: I do not recollect any cross examination as to this question by the Prosecution.

H0924-0070

DR. BOEHM: The voluntary membership, or the question of voluntary membership was discussed thoroughly yesterday. Col. Jones asked those questions.

CAPT. TUBRIDY: Do you recall that Col Griffith-Jones?

COL. GRIFFITH JONES: I beg your pardon, I did ask questions as to the voluntary character, yes. My objection was not in this connection. My objection was to Dr. Boehm relating to some length on evidence which was related by another witness, and which was not given by this witness at all.

DR. BOEHM: I would like to ask the witness if he stands by the statement he has made yesterday, in the face of the things I have just said concerning the joining of the SA?

COL. GRIFFITH JONES: With respect to that, the witness should give evidence of his own knowledge. If the witness has not got the necessary knowledge to give an opinion, then he should say so, and he should not offer an opinion. When this witness was asked, in cross examination, about these matters of voluntary membership, he answered the question and he made no suggestion that he was unqualified to do so.

DR. BOEHM: The witness yesterday made a statement concerning the voluntary membership to the SA. I now say, or hold in front of him, the fact that the student, in order to go to the University, had to go both through the SA and the SA office. He had to do this if he wanted to go through his University studies after he had prepared for it for nine years.

And now I question the witness. I want to ask the witness whether or not his statement that the entry into the SA was completely voluntary, or whether he does not say that every student had to join the SA?

H0924-0071

COLONEL KAREV: I am completely against these questions because in this case it is the defense lawyer and not the witness who is making the statements.

COL. GRIFFITH JONES: Perhaps I have not made myself clear.

There can be no objection to Dr. Boehm asking this witness whether in fact, students were to report to the SA office and so on, and whether pressure of that nature was in fact applied. If the witness know about it, he can say so; if he does not know about it, then he will also say so.

What I do object to is Dr. Boehm's putting it to the witness as a fact that that did happen, and then asking the witness whether, in his opinion, that amounted to compulsion. That is a question for the Tribunal.

CAPT. TUBRIDY: Let me ask the witness this question.

BY CAPT. TUBRIDY:

Q Were you familiar with the practices of the students in schools in Germany, in becoming members of the SA and how they became members of the SA?

A Only in local places.

Q What do you mean by "local"?

A For instance, in the University of Haller, I knew that certain pressure was made on the student to enter the SA. I also know, and I stated so yesterday, that as far as the leadership of the SA was concerned, they were not interested in voluntary membership of the SA. The various organizations such as the School Department and the Finance Department did exert certain pressure upon its members who joined.

Q The answer will be stricken from the record. Now, will you please answer the question. What do you mean by the word "local"?

H0924-0072

A Under local I mean I knew, for instance, that the students in Haller had to. . .

Q Do you mean that you knew only of what occurred in one or two schools?

A Yes.

CAPT. TUBRIDY: Then, I believe that the witness is not qualified to answer the question.

DR. BOEHM; Well, there aren't too many Universities in Germany.

CAPT. TUBRIDY: The objection is sustained. Will you please proceed to the next question?

BY DR. BOEHM:

Q You were told about a number of articles in "The SA Man" concerning, for instance, "The Use of Flame Throwers on the Front", and "The Use of the Tank in Modern Warfare".

Did these articles appear upon the suggestion of the SA leadership?

A They could not have had articles like that. That was the job of the editorial staff of the paper.

Q Only one more point. You were also asked, in that connection, did not the persons going through this Wehr training go through it in order to learn how to throw hand grenades? You answered that question with yes.

Now, I would like to ask you, was the prime reason for this partly training in order to give the men a strong body or to teach them how to throw hand grenades?

A We wanted to train the men bodily. We could have used disc throwing just as well.

Q In other words your statment can be interpreted in such a way that they were taught to throw these wooden clubs not in order to be able to throw hand grenades, but in order to train the body of the man?

H0924-0073

A Yes, to be able to throw far and accurately, just like it is the case in various other sports.

Q And the people did not throw hand grenades but wooden clubs?

A Yes.

DR. BOEHM: No further questions.

DR. KLEFISCH: I only have several minutes, two or three questions concerning the transfer of the Stahlhelm to the SA.

BY DR. KLEFISCH:

Q Witness do you know that the formations were transferred into the SA on the 21st of June, 1931?

A I do not remember the date exactly, but that is about the case. The date is about right.

Q Who gave that order.

A The leadership of the Stahlhelm.

Q Was that in accordance with an order from Hitler?

A I am sure that the leaders spoke to Hitler beforehand.

Q How did this transfer take place? And do you know that concerning all of Germany or only of one locality?

A I only know it from my central area.

Q Was it the case that the formations were to report and when they did they were to have been transferred to the SA?

A In my case it was such. It was a very ceremonious action, in which the members of the Stalhelm, about 20,000 of them lined up and also a few SA men, and they were prepared for this transfer to the SA. Then I made a speech concerning the transfer, and the SA leader made a speech accepting the men.

H0924-0074

Q Do you know when the groups of the Stahlhelm under which the men between 35 and 45 years of age were declared as the first reserves of the SA?

A That was later. I don't remember the time.

Q Could that be in the fall of 1933?

A Yes.

Q Upon whose order did that happen?

A That, so far as I can remember, was an agreement between Seidl and Roehm.

Q Was it not also ordered by the Fuehrer?

A That, I think, was possible.

Q Do you know that these groups of the Stahlhelm were transferred to the SA in 1934 as SA reserved, the first SA reserves?

A That must have differed in places. I understood it was transferred in 1933.

Q Were the Stahlhelm men at that time assured that their units among themselves would be preserved, that they could keep their field gray uniforms, and that they could keep their ranks?

A That's possible, but I don't know for sure.

Q Thank you.

COMMANDER FELTON: If the court please, I would like to ask one question.

RE-CROSS EXAMINATION

BY COMMANDER FELTON:

Q If a former Stahlhelm man wanted to withdraw from the SA in 1933 or 1934 after the organization had become linked with the SA, could he have done so?

A Yes.

H0924-0075

COMMANDER FELTON: Thank you. That's all.

CAPT. TUBRIDY: The witness may be excused.

(The court adjourned at 1645 hours.)

The following is a true and correct transcript of the testimony of MAX JUETTNER taken on 30 May 1946.

Charles J. Gallagher
Reporter (pp 1-19)

H B Darrow
Reporter (pp 20-39)

Rose W Cook
Reporter (pp 40-62)

Lilian A. Ahuna
Reporter (pp 63-74)

CERTIFIED TO:

Joseph J. Tubridy
Commissioner